



## City of Seattle

Gregory J. Nickels, Mayor

### Department of Planning and Development

Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 2400403  
**Applicant Name:** Jennifer Grant for the Port of Seattle  
**Address of Proposal:** 7001 Seaview Avenue NW

### **SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit for future construction of nine (9) buildings (including office, retail, restaurant, storage and restrooms) totaling 47,335 square feet accessory to an existing recreational marina (Shilshole Marina). Surface parking to be provided for 1,299 vehicles. Project includes demolition of eight (8) buildings (includes restroom and offices) totaling 43,794 square feet. Determination of non-significance prepared by the Port of Seattle.

Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Substantial Development Permit** - To allow a recreational marina and associated uses in an Urban Stable (US) shoreline environment pursuant to Seattle Municipal Code (SMC) 23.60.020

**SEPA - For conditioning only.** (Chapter 25.05 Seattle Municipal Code)

**SEPA DETERMINATION:**    ☐ Exempt    ☒ DNS<sup>1</sup>    ☐ MDNS    ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction.

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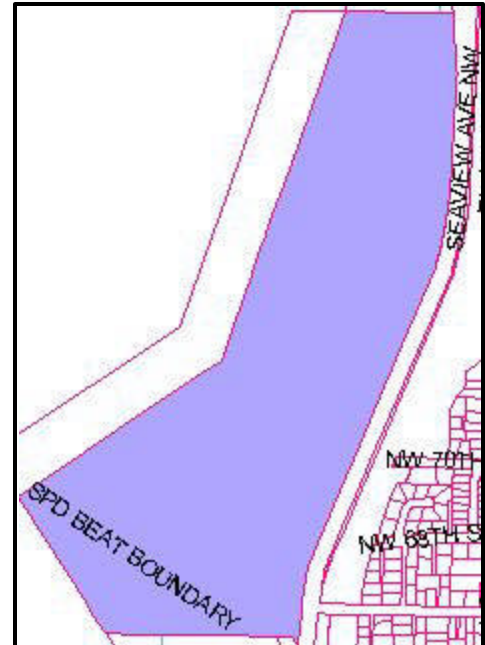
<sup>1</sup> The Port of Seattle has acted as lead agency and issued its SEPA threshold determination on July 17, 2003.

### Site Location and Zoning Designation

Shilshole Bay Marina is located on the east shore of Puget Sound, north of West Point and north of the Ballard Locks. The marina is bordered by Golden Gardens Park on the north, Seaview Avenue Northwest on the east, Sunset West Condominiums on the south and Puget Sound on the west. The property is within an Urban Stable (US) shoreline environment and an underlying Commercial 1 (C1) zone with a 40-ft height limit (C1 40').

### Current Use of the Site and Adjacent Properties

Shilshole Bay Marina is a recreational facility enjoyed by a variety of active and passive users such as: boaters and fishermen, and sightseers and pedestrians who walk along the seawall esplanade. Public fishing is permitted from the west face of Pier A, and from a City-owned pier north of the marina at Golden Gardens and north of the public boat launch ramp. The north-end building is a focal point for sailboat racing in Puget Sound and the Pacific Northwest.



The majority of the upland acreage at the marina is occupied by parking areas. The parking lot provides spaces for approximately 1,385 cars. Approximately 500 of those spaces are designated as “permit” only parking reserved for use by moorage customers.

The City of Seattle Department of Parks and Recreation owns and operates the Eddie Vine Public Boat Launch and Golden Gardens Park north of Shilshole Bay Marina. There is no mechanism for recording the number of park visitors each year, since admission is free and there is no pedestrian gate; however, Golden Gardens Park is one of the few saltwater swimming beaches in the City, and experiences heavy use during periods of good weather. Approximately 7,000 trailered boats are launched each year from the Eddie Vine ramp, with the peak season occurring between late June and mid-October. Other peak launch ramp activity occurs around the dates of fishing season openings, with the majority of launches occurring between 5:00 a.m. and 7:00 a.m. There are no known plans for expansion or improvements to the launch ramp or park, and thus no foreseeable significant increase in use over existing conditions.

The Hiram Chittenden Locks on the Lake Washington Ship Canal are located approximately 0.75 mile southeast of Shilshole Bay Marina. Visitors watch vessels of all types go through the locks, watch salmon migrate through the fish ladder, stroll through the gardens, or picnic on the grounds.

## **BACKGROUND INFORMATION**

Shilshole Bay Marina is Seattle's largest saltwater recreational boating facility. The property, 75 acres of water and 15 acres of land, includes approximately 1,500 total long-term moorage slips, including guest moorage for approximately 100 boats, dry boat storage, commercial and charter boat moorage, Tribal moorage, as well as approximately 50,000 sq ft of office, retail, restaurant, and commercial space.

Construction of the landside portion of the marina began in the 1950s and was completed in phases. The landside area was constructed on reclaimed land by installing a concrete seawall and then filling in behind the seawall to its current ground surface elevation. The landside area is currently occupied by a two-story Administration building located east of the central pier, a one-story restaurant building at the north end of the marina (Little Coney), a one-story maintenance building, a one-story boat repair building located at the south end of the marina, and seven small bathroom buildings at various locations. The majority of the site is paved with asphalt concrete that is used for parking areas, boat storage, and boat repair. Other improvements at the site consist of sidewalks and walkway areas, a Leif Erikson statue, and fueling facilities (See Exhibits A-1, A1a, A1b, and A1c - Existing Site Plans, "SEPA Environmental Checklist; Shilshole Bay Marina Landside Renewal and Replacement Project", July 14, 2003; located in the Master Use Permit file).

The Port initiated a conceptual landside development analysis in 2000. The analysis reviewed the condition of the Administration building, recommended replacement as the best alternative, and analyzed a variety of development components and strategies to help determine the appropriate balance of uses for the property. The improvements proposed were formulated through a planning process that involved existing marina moorage customers, current building tenants, representatives of the Ballard community, Port staff, the public, and sailing center representatives. The result of the planning process is a proposal to renew and replace the landside area of the marina as described in the proposed project.

### **Proposed Project**

The Port of Seattle proposes to update and improve most of the landside facilities at Shilshole Bay Marina including: the demolition of some existing buildings; construction of new buildings; parking lot improvements; creation of pedestrian plazas and improved access paths; a renovated central plaza; change in curb cuts and number of parking spaces; relocation of garbage and recycling facilities; utilities; reduction of an existing outdoor storage facility; improved signage; and implementation of a new landscaping concept involving retention of some of the existing landscaping and provision of new landscaped areas. (See Exhibits A-2, A2a, A2b, and A2c - Proposed Site Plans, "SEPA Environmental Checklist; Shilshole Bay Marina Landside Renewal and Replacement Project", July 14, 2003; located in the Master Use Permit file). A summary of proposed changes is included in Table 1 below followed by a more detailed description of each project element.

**Table 1. Proposed Project Elements**

<b>Buildings to Be Demolished or Removed</b>	<b>Proposed New Construction</b>
Seven restroom buildings (M-1 through M-7)	Four new restroom buildings with showers, laundry and storage space, and two new buildings that would incorporate the existing uses for public restrooms (7,800 sq ft total)
Administration building (39,800 sq ft)	Marina building (15,000 sq ft) Office Retail Boat Sales & Rental Restaurant building (5,000 sq ft) Retail or office building (8,000 to 16,000 sq ft)
North End I-1 building (Little Coney restaurant) may be demolished under the maximum development plan (1,212 sq ft)	New North End Mixed-Use building minimum development option (1,800 sq ft total) Sailing Center Storage (400 sq ft) Sailing Center Restroom (700 sq ft) Public restroom building (700 sq ft) New North End Mixed-Use building maximum development option (10,000 sq ft total) Restaurant (1,212 sq ft) Yacht Club Leased Space (6,488 sq ft) Public View Deck (500 sq ft) Sailing Center Storage (400 sq ft) Sailing Center Restroom (700 sq ft) Public restroom building (700 sq ft)
Portable containers on site	Expand Seaview Boatyard vessel repair facility yard (from 54,884 sq ft to 73,102 sq ft)
	Reduce size of North Dry Boat Storage Yard (from 46,794 sq ft to 42,412 sq ft) to accommodate new north-end building
	New Operations/Maintenance building Port of Seattle operations and maintenance offices (1,000 sq ft) Rental Shop Space (1,200 sq ft) Restroom (700 sq ft)
	Reduce size of the Shilshole Bay Marina maintenance yard (from 3,393 sq ft to 955 sq ft)

## Demolition

Restroom/storage buildings (M1 through M-7) and the Administration building (A-1) would be demolished as part of the proposal and the Little Coney restaurant may potentially be demolished under the maximum development option for the new North End Mixed-Use building. Sections of the parking lot and associated structures such as light fixtures, some curb cuts, fencing, and landscaping planters would be removed, repaired, replaced, or relocated as needed for the project around areas of the buildings affected by the proposal.

## New Construction/Relocation and Expansion

**Marina Building** - This 15,000 sq ft, 23-ft high single-story building would replace the existing Administration building (See Exhibit C - Marina Building, “SEPA Environmental Checklist; Shilshole Bay Marina Landside Renewal and Replacement Project”, July 14, 2003). The new building would consist of a mix of uses including: Port of Seattle offices, including the Shilshole

Bay Marina (SBM) administration offices and commercial space to be rented by the Port of Seattle, other general office space, marine-related retail space, and space for the sale and rental of boats. The building would be constructed of poured-in place concrete slab floor, with a combination of wood and steel-framed walls and roof system. The east face of the building would be located near the property line at Seaview Avenue NW with parking available on the north, south and east sides of the building. A public plaza space is planned between the building and the seawall esplanade. This plaza would maintain access to the existing underground fuel tanks in that location. A central lobby would provide access to SBM offices and restroom facilities for building tenants and the public. The commercial space is configured to provide direct access to and from the outside for all commercial spaces and flexibility in the configuration and size of tenant spaces. The building has been sited to capture views from the western side to H and I docks for commercial yacht brokers, sailing clubs, boating programs and other water-related commercial users to take maximum advantage of the waterfront location.

Moorage Restroom Buildings - Four new restroom buildings and two new buildings that include restroom uses are proposed to serve moorage customers (See Exhibit D – Typical Restroom/Storage Building, “SEPA Environmental Checklist; Shilshole Bay Marina Landside Renewal and Replacement Project”, July 14, 2003). The total square footage of the buildings is 7,800 sq ft. The new buildings would replace the existing M-1, M-2, M-3, M-4, M-5 and M-6 buildings. The buildings would be approximately 18 ft high and would be constructed of poured-in place concrete slab floor, with a combination of wood and steel-framed walls and roof system. The new buildings would provide restrooms, showers, laundry and rental storage facilities. The rental storage facility areas would be increased from the existing areas, while other services would be provided at similar ratios as are currently provided. Trash and recycling stations would be provided at three of the four restroom buildings and used oil recycling facilities would be provided at two of the four buildings. These services have been incorporated into the restroom buildings to consolidate services for greater efficiency and to remove as many stand alone structures as possible to provide a greater sense of openness within the parking areas. Average distances to services from the gangways would be improved for moorage tenants from existing conditions.

Restaurant Building - A 5,000 sq ft, 20 ft high restaurant building would replace the existing restaurant currently located in the Administration building. The new restaurant building would be a freestanding building to be built and leased by a tenant to be determined. The restaurant is located to take advantage of water views.

Marine-Related Office/Retail Building - A 30 ft high building with between 8,000 (1-story) and 16,000-sq ft (2-story) space is proposed to house potential marine-related offices and/or retail space.

North End Mixed-Use Building - There are currently two options for development of the North End Mixed-Use Building. The building would be located at the far north end of the site, between the new northern boundary of the North Dry Boat Storage yard on the south side, the property line on the east side and ten feet from the seawall on the north and the west sides. It is approximately 5,000 sq ft in area. Little Coney, M-7 and a portion of the North Dry Boat Storage yard currently occupy this area. There are two levels of development that could occur, a minimum and maximum. If the minimum level of development were chosen, the Port of Seattle would construct the improvements. The maximum development would occur if the Port secures a

tenant to lease and construct the improvements. If the tenant develops the facility, then the design and aesthetics of the improvements would be governed by the Port of Seattle. The sailing center would serve youth and adult educational sailing programs and would host racing and boating events in both options. The two levels of development are described below:

**Minimum Development Option:** A building of approximately 1,800 square feet would contain sailing center restrooms and shower facilities (700 sq ft) and 400 square feet of storage space accessible to the North Dry Boat Storage tenants, moorage tenants and sailing event participants. The sailing center is intended to provide youth and adult educational sailing programs and would host racing, boating and social events. The building would also include restrooms of similar size and capacity to the existing restrooms and would be accessible to the public. This building would be approximately 18 ft in height and constructed of poured-in place concrete slab floor with a combination of wood and steel-framed walls and roof system. The siding would be made of metal, glass and wood. No changes to the 1,212 sq ft Little Coney restaurant I-1 building would be made in this scenario.

**Maximum Development Option:** In this option, the M-7 restroom-storage building and the 1,212 sq ft Little Coney restaurant would be demolished. A new two-story building would be built that would replace all the existing functions, including the 700 sq ft restroom and the 1,212 sq ft Little Coney restaurant; and would add a 700 sq ft public restroom and a 6,488 sq ft area for restrooms, classroom space, meetings, storage, and offices. The building would be 30 ft in height with approximately 10,000 sq ft, and would be constructed, owned and operated by a private, non-profit organization for public and private uses and a portion of the first floor would be leased to the Port for operation of the storage, restrooms and showers in addition to the public restrooms. The building would provide youth and adult educational sailing programs and would host racing, boating and social events. A 500 sq ft viewing deck that is accessible to the public would be located on the top of the building.

Seaview Boatyard - The existing Seaview Boatyard, which is used for renovation, repair, and maintenance of boats, would be expanded from approximately 1.25 acres to approximately 1.7 acres.

North Dry Boat Storage - The storage yard would be slightly reduced in size (by approximately 4,400 sq ft); however, it would continue to provide storage for between 100 and 120 boats.

Shilshole Bay Marina Maintenance Yard - The Shilshole Bay Marina maintenance yard would be reduced in size from 3,393 sq ft to 955 sq ft.

Relocation of Waste Oil Tanks - The waste oil tanks, waste disposal and recycling centers would be relocated closer to the restroom buildings.

Curb cuts and Parking - The project would include changes to the number and location of site access driveways serving the marina parking lot. The marina parking lot would have a total of nine (9) access driveways at project completion, an increase of one (1) driveway over existing conditions and two (2) driveways over 2009-without-project conditions. There would be a total of 1,300 parking spaces onsite.

Landscaping - The existing landscaping in the parking area and around the buildings proposed for demolition and construction would be removed or modified.

Public Access Improvements - Plazas would be provided along the esplanade, with pedestrian links between Seaview Avenue NW and the esplanade. A public plaza space is planned between the new Marina building and the seawall esplanade. The freestanding information boards would be replaced by boards mounted on the new buildings to reduce the amount of view corridor blockage and in a quantity to continue to provide a similar opportunity to convey information as to what exists at present.

Signage and General Site Improvements - Signage for the new buildings and public access areas would be installed as required and would meet all existing City of Seattle code requirements. General site improvements associated with the proposed project include repair and replacement of existing paved areas. Although no new impervious surfaces would be created in completion of the project, the proposed removal and addition of buildings and restroom facilities as well as improvements to site walkways and landscaped areas would require some reconfiguration and re-striping of existing paved areas. The paving proposal is varied across the site area based on the proposed work and the assessed existing condition. Paved areas beneath existing structures to be removed would require new pavement, including base course layers to match existing.

Some of the existing paved area throughout the landside has been damaged and/or is in a distressed condition. Repair of areas exhibiting severe distress would involve full depth removal and replacement of both the base course and ACP layers, as well as up to one foot of the subgrade material. Alternatively, repair of moderately distressed areas would be accomplished by a pavement overlay and adjustment of utility features. Application of a seal coat is proposed for those existing paved areas that show little to no signs of deterioration or distress.

It is estimated that approximately 16,430 cubic yards of excavation would be required for the project. Approximately 8,965 cubic yards of imported fill material would be hauled in from an approved source. Structural fill would be used as backfill in areas where existing buildings are demolished and no new construction is planned.

Utilities - Building and site utilities would be provided as needed to support the project's requirements. Building mechanical and electrical work would include HVAC systems, plumbing systems, fire suppression, domestic water and waste water piping, building environmental controls, lighting, electric power, and telecommunications required to provide services to building tenants. Site utilities would include new facilities and extensions from the new buildings to water and sanitary sewer lines, electrical power, and telecommunications mains and sub-mains.

Construction Staging - Several areas would be required for construction staging for the proposed project. Trailers would be provided on the site for contractor offices as needed during demolition and construction. Haul routes would be established for materials and equipment.

### **Public Comments**

Public notice of the project application was published on February 19, 2004. The required public comment period ended on March 19, 2004. No comments were received.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC*

*Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.*

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed improvements to Shilshole Bay Marina would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued operation of a facility that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as a waterfront lot (SMC 23.60.924) and is located within an Urban Stable (US) shoreline environment. The proposed improvements are associated with a marine retail sales and services facility and as such are a permitted use in the US shoreline environment and the underlying C1 40' zone.



### **Shoreline Policies**

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The policies support and encourage the establishment of water dependent uses existing at Shilshole Bay Marina (please refer to Land Use Policies L339 and L342). An area objective for this portion of the Puget Sound is to reserve waterfront lots for marine retail sales and services while at the same time to protect and enhance migratory fish routes and feeding areas (please refer to Area Objectives for Shorelines of Statewide Significance, Policy L354 1d). The purpose of the Urban Sable (US) environment as set forth in Section 23.60.220 C7 is to support water-dependent uses by providing services such as marine-related retail and moorage at Shilshole Bay Marina.

The proposed improvements to Shilshole Bay Marina would facilitate the continued and enhanced operation of an existing marine retail sales and services facility, a use supported by both the purpose of the US shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan. The demolition of eight existing structures and the construction of nine structures and reconfiguration of existing parking will increase operational efficiency and enhance public/worker safety.

### **SMC 23.60.152 - Development Standards for all Environments**

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as... ..fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.

- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed and as conditioned below, the project complies with the above shoreline development standards. As conditioned, the short-term construction related activities should have minimal effects on migratory fish routes and do not warrant further conditioning.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort DCLU developed a Director's Rule 2000-16, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the extent of the proposed work associated with landside improvements; the potential exists for impacts to Puget Sound during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

### **SMC 23.60.600 – Development standards for the US Environment**

The proposal conforms to all of the development standards for the US environment. Relocation of the nonconforming yacht club was addressed by Master Use Permit 2302697.

### **Conclusion**

SMC Section 23.60.064 E provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Thus, as conditioned below, the Director has determined that the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

### **ANALYSIS—SEPA (for conditions only)**

The Port of Seattle, as Lead Agency, issued a Determination of Non-Significance for this project. The information in the Port's SEPA determination, construction plans, and other information submitted by the Port, and the experience of the Department with the review of similar projects form the basis for this analysis. The Department's SEPA analysis encompasses all project elements, whether located within or outside of the Shoreline District. The following analysis is being conducted only to impose mitigating conditions where warranted under Seattle's SEPA Ordinance.

## Short-term Impacts

### Water Runoff (including storm water)

Stormwater runoff from the project areas continue to drain as sheet flow from the paved surface of the project area to seven existing and any new catch basins, and discharge to Shilshole Bay Marina. Catch basin filter inserts would be placed in these catch basins within the project area.

**Construction Measures** – The contractor would be required to comply with applicable federal, state and local environmental statutes, ordinances and regulations, as specified in Article 23 of the Port of Seattle Project Manual and Bid Specification. Precautions may include, but not be limited to, containment of petroleum products such as fuels, grease, hydraulic fluids and lubricants; ready access to spill cleanup materials; and use of spill-prevention Best Management Practices (BMPs).

**Operational Measures** - Improvements to the management of site stormwater are proposed in support of the proposed project. These improvements include maximizing the efficiency of the existing storm drainage by repairing site pavements to enable the flow of stormwater to the onsite conveyance network to allow the bypass of stormwater generated offsite. The proposed project may necessitate the addition of catch basins. All stormwater generated onsite would be routed through one of the numerous existing outfalls. No new outfalls are proposed with the proposed project. Stormwater treatment may be provided, potentially in the form of catch basin multi-media filter cartridges or an equivalent method of treatment, based on current City of Seattle and State of Washington standards.

The Port of Seattle would implement a routine maintenance Best Management Practice (BMP) that would include a monthly walk-through by staff to inspect each catch basin and replace filter inserts that have accumulations of trapped materials. A checklist form would be developed for use on the monthly walk-through for the purpose of noting comments about the inspection and any work performed.

Customers are made aware of Port of Seattle Shilshole Bay Marina Best Management Practices through the Customer Handbook, posted signs, and when signing the moorage agreement.

### Construction Hazards

Three general types of construction environmental hazards could result from the removal of the existing buildings. They include: 1) asbestos emissions; 2) lead based paints; and 3) spills and other releases.

1. **Asbestos Containing Materials.** It is unknown if the existing buildings contain a variety of asbestos containing materials (ACM). Asbestos that may be encountered would be classified and disposed of in accordance with existing local, state and federal regulations, as applicable. Removal of asbestos would be done in strict compliance with all applicable federal, state and local regulations, standards, and codes governing asbestos abatement, and in accordance with the “Standards of the Industry.”

2. Lead Paint. It is unknown if the existing buildings contain building elements coated with lead paint. Contaminated waste or debris from past industrial activities such as lead paint and hazardous materials located in the building structure that are encountered during its removal would be identified and classified and disposed of in accordance with existing state and federal regulations, as applicable.

3. Spills and Other Releases. The potential exists for accidental spills or leakage of petroleum products, including fuels, oil, grease, hydraulic fluids, and lubricants from demolition and construction equipment. The extent of impacts resulting from accidental discharge of petroleum products depends upon the amount and duration of the spill and is expected to be minimal. Port of Seattle construction practices are intended to minimize the risk of accidental spills or discharges. The contractor would be required to implement BMPs to avoid or contain accidental spills. All requirements imposed by city, state and federal codes would be met including the Puget Sound Clean Air Agency regulations. If emergencies were to arise, the risk of fire, explosion and release of hazardous substances can be minimized through the use of standard construction practices. Under the terms of the construction contract, the Port's contractor would be required to undertake a number of measures to reduce environmental hazards. Those measures include the following:

- A licensed hazardous waste hauler would transport hazardous waste. Non-hazardous waste solutions would be hauled in conformance with requirements of federal, state, and local regulations.
- The Washington Department of Ecology (DOE), the City of Seattle and local landfills would be consulted on a case-by-case basis for the disposal of lead containing paint components and asbestos materials.

The Port of Seattle requires contractor compliance with Washington Industry Safety and Health Act (WISHA) standards for worker safety, and reasonable precautions to avoid and control environmental health hazards. It is the responsibility of contractors to provide for the safety of their workers, including proper training and personal protective gear, if required. The Department of Labor & Industries is the enforcement agency for WISHA compliance. Precautions against environmental health hazards may include, but not be limited to, containment of petroleum products such as fuels, grease, hydraulic fluids and lubricants; ready access to spill cleanup materials; and use of spill prevention BMPs.

### Noise

The acoustic environment in the vicinity of the project site is dominated by the urban setting activities. The primary noise source is traffic on nearby roads and railways, especially Seaview Avenue NW. At the marina, the predominant noise is marine vessel engines. Noise from neighboring sources and from within the marina would remain the same with or without the proposed project, and would not affect the project.

Short-term noise levels would increase during demolition and construction. The project would be similar to many other types of construction activities that have taken place at Shilshole Bay Marina over the years. With compliance with the Seattle noise limits, no significant noise impacts would be expected from construction activities. Following construction, operation of the project is not expected to increase noise levels. There could be cumulative noise quality impacts to the extent there is overlapping construction between the proposed project and the Dock Replacement/Moorage Expansion Project.

The contractor would be required to perform construction activities in compliance with applicable federal, state and local environmental noise regulations.

Traffic and Parking

**Construction Impacts.** Proposed construction schedules were reviewed for the proposed landside improvements as well as the other construction projects that are planned at Shilshole Bay Marina. There are roughly eight major elements of construction activity that would occur at the marina between January 2004 and May 2009. Each element and the anticipated schedules are listed below. Where required, demolition of existing buildings is included in the schedules for each element.

- Docks Infrastructure: Began October 2004, end September 2005
- Marina Building: Began November 2004, end June 2006
- North-End Mixed-Use Bldg: Begin March 2005, end May 2006
- Operations/Maintenance Building: Begin March 2005, end September 2005
- Dock Replacement: Begin September 2005, end May 2008
- Site Improvements: North and Central Marina - Begin January 2006, end June 2006  
South Marina - Begin November 2008, end April 2009
- Restroom & Storage Bldgs: M-2, M2.5 - Begin May 2007, end November 2007  
M-4, M-6 - Begin May 2008, end November 2008

Based on these proposed construction schedules, the peak level of construction activity would occur from approximately March through September of 2005 and again from January through May of 2006. During these periods, overlapping construction activity would be underway on as many as four separate areas. In 2005, the docks infrastructure (permitted separately), the proposed marina building, the proposed north-end mixed use building, and the operations and maintenance building would be under construction simultaneously. During 2006, the Marina building and north-end buildings would be nearing completion, while the site improvements and dock replacement (permitted separately) would be underway.

The construction-related traffic impacts during these peak construction periods would vary throughout the construction process. Most construction activity and related impacts would occur within the project site boundaries. However, some activities will require use of the local roadways near the site. The most intense activity affecting local traffic will likely be related to demolition of the Administration building on site. The demolition is estimated to require two 40-yard trucks to remove concrete materials and two 15-yard trucks to remove soft materials (such as dry-wall, wood, etc.). To remove the material, approximately 60 trucks loads are anticipated with between six and eight truck loads per day. The haul-out effort is expected to last approximately two weeks and would occur after the proposed Marina building is complete in May of 2006. Each truckload would generate two trips (one inbound and one outbound) and would occur during daytime hours (8:00 A.M. through 4:00 P.M.). Most construction transportation is stopped by 4:00 P.M. to avoid unnecessary delay to truck drivers. Assuming transportation occurs over eight hours each workday, the haul out efforts would generate up to two truck trips per hour (one inbound, one outbound). Other construction elements would generate truck traffic at the site such as concrete pours (e.g., for foundations), deliveries of steel, lumber, and finish materials (e.g., drywall). However, these delivery activities are expected to be less intense and generate fewer truck trips each day than the demolition activity described above.

The construction of the project elements would also require employees and equipment that would generate traffic to and from the site. Construction at the site would likely occur Monday through Friday beginning at about 7:00 A.M. It is anticipated that construction workers would arrive at the construction site before the AM peak traffic period on local area streets and depart the site prior to the PM peak period; construction-work shifts typically begin by 7:00 A.M. and end by 4:00 P.M., while the corresponding peak traffic periods typically occur in the following hours. The number of workers at the project site at any one time would vary depending upon the nature and construction phase of the project. Current estimates indicate the average number of construction employees on site will be approximately 20. However, the number could peak to about 30 or 35 employees during some phases such as finish work.

Based on these estimates, the proposed project would likely generate a noticeable amount of construction traffic on Seaview Avenue NW. Trucks carrying demolition material from the site and delivering material to the site would be most noticeable. Although the truck traffic would be noticeable, the increase would represent 2% or less of overall midday traffic. The truck traffic is not expected to degrade operations along Seaview Avenue NW or at any of the site access driveways during off-peak hours. Impacts during peak hours would be less since construction-related transportation is reduced during these times.

During peak construction activity periods, segments of the parking lot would be closed for construction and/or construction staging. The dock replacement effort (permitted separately) would require one staging area of approximately 12,000 sf, and thus would temporarily displace a total of approximately 40 parking spaces. The dock infrastructure construction effort would require a staging area of 3,600 sf and would temporarily displace approximately 12 parking spaces. The marina building construction would displace approximately 50 parking spaces and staging for construction would require between 30,000 and 60,000 sf and temporarily displace between 100 and 205 parking spaces. Construction of the north-end mixed-use building is not expected to displace any parking spaces; however, staging for this effort would likely temporarily displace approximately 69 parking spaces. Finally, construction of the operations/maintenance building would displace approximately 10 parking spaces and would require staging that would temporarily displace approximately 35 additional parking spaces. In total, during the peak construction period, approximately 60 parking spaces could be lost due to the construction of new buildings and between 216 and 321 spaces could be temporarily unavailable due to staging requirements.

The presence of a temporary construction work force would also increase the demand for parking at the marina. A peak construction employee parking demand of between 30 and 35 vehicles is expected. Some of these vehicles may park within the staging areas, while others may be directed to park in on-street spaces or at other off-site locations.

Based on the total number of parking spaces that would be lost during the peak construction period, the on-site parking supply remaining for marina customers (moorage, retail, office, etc.) would be between 970 and 1,088 spaces. This on-site parking supply would be adequate to accommodate parking demand on most days. However, peak summertime parking demand on weekend days was determined to be approximately 1,009 spaces in 2002. Therefore, the peak parking demand on summertime weekend days may exceed the on-site parking supply during the peak construction periods. In addition, since parking demand in certain areas of the marina will likely be higher than the parking supply immediately adjacent to those areas, parking congestion

and overflow will be noticeable during peak summertime weekends that overlap the peak construction periods. During these times, marina users and customers will likely utilize on-street parking capacity along Seaview Avenue NW. Based on reviews of existing on-street parking capacity and utilization; the approximate 328 on-street parking spaces could accommodate the overflow during peak conditions. On peak days, typical overflows of 40 to 75 vehicles may occur and customers would likely be required to park further from their destinations.

The temporary displacement of on-site parking supply and the potential overflow to on-street parking along Seaview Avenue NW would not be considered a significant adverse impact to area-wide parking conditions because the impacts are expected to be temporary and only occur during peak summertime weekend days. In addition, the impacts will primarily inconvenience users and customers of the Shilshole Bay Marina. Some occasional increases in parking demand within the adjacent Golden Gardens Park parking lots could occur, although most of the park's lots are located farther from marina uses than on-street spaces along Seaview Avenue NW. It is not likely feasible to provide alternative overflow parking facilities for the marina during these peak construction periods. Therefore, it is recommended by DPD that the Port of Seattle actively communicate with tenants and marina customers that parking demand during these construction periods will be congested. Customers and employees should be encouraged to minimize the number of vehicles parked at the marina during these periods.

**Mitigation.** When complete, the proposed landside improvements are not expected to result in significant adverse impacts to vehicular traffic or transportation facilities. Therefore, no off-site mitigation would be required. The largest and most noticeable impacts from the proposed project would occur on site during construction. Construction staging and improvement areas would temporarily displace on-site parking capacity.

A construction management plan (CMP), addressing traffic and pedestrian control, would be prepared to address truck routes, staging areas, and access revisions. Although none are anticipated at this time, this CMP would address lane closures, sidewalk closures, and bus stop relocations, if any are required. To the extent possible, the CMP should direct trucks away from residential streets to avoid unnecessary conflicts with resident and pedestrian activity. Finally, the CMP should include measures to minimize construction-employee parking demand on-site and along Seaview Avenue NW.

During peak construction periods, especially the time from March through September of 2005, the Port will actively communicate with tenants and marina customers that parking supply during these construction periods will be congested. Customers and employees would be encouraged to minimize the number of vehicles parked at the marina during these periods.

### Construction Activities

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased dust levels associated with grading and demolition activities; increased noise levels; occasional disruption of adjacent vehicular traffic, and an increase in traffic and parking impacts due to construction workers' vehicles. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Stormwater, Grading and Drainage Control code and Street Use ordinance, and mitigating measures described above pursuant to the



Shoreline Master Program) applicable to the project. Since the proposal site is located in a commercial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

### Long-term Impacts

Certain long-term impacts are in part mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater Grading and Drainage Control Code (water quality); Land Use Code (height, parking); Seattle Energy Code (long term energy consumption); and Fire Department regulations (restrictions on the conditions and timing of hot work such as cutting, welding, and the like, and requirements for fueling of vessels). The long-term impacts to the landscaping, aquatic environment, public views, utilities and infrastructure, traffic and parking, and land use are discussed below.

### Plants and Animals

Vegetation at the site is limited to the east perimeter of the marina, which includes street trees lining Seaview Avenue NW, and landscaped islands within the parking area. The vegetation generally consists of coniferous and deciduous trees; ornamental shrubs, bushes and flowers; and ground cover. The Shilshole Bay P-Patch is owned and operated by the Port of Seattle and is available to the live aboard association to use. The P-Patch may be located to a new location as a result of the proposal but would still be available to the live aboard association for use.

A site walk-through was conducted on June 9, 2003, with Bill Ames, City Arborist with the Seattle Department of Transportation. The purpose of the walk-through was to identify any exceptional trees for the SEPA process. Mr. Ames determined that none of the trees meet the qualifications for "exceptional trees," but he suggested reviewing the four pines on the south edge of the boat launch (northern most edge of the property) and trying to keep at least one. The proposed landscaping plan would attempt to keep at least one of the four pines.

Another interest was to see that more trees would be replaced than removed in the Seaview Avenue NW right-of-way. The proposed landscaping plan meets that goal. Mr. Ames agreed to columnar trees as a replacement and he would be provided with a plan showing which trees are to be removed and trees that are to be replaced within the right-of-way.

The proposed project landscaping concept would reinforce the sense of openness at Shilshole Bay Marina by concentrating plantings adjacent to buildings and at entries to the site along Seaview Avenue NW. Columnar tree row plantings extending from the seawall to Seaview Avenue are proposed at each restroom building along walkway connections, which would reinforce entry locations. Planting materials at plazas, islands and along walkways would be consistent with indigenous native shoreline plants similar to those found at the adjacent Golden Gardens Park. Materials would be low maintenance and require minimum irrigation once established. In addition, the new landscaping clustered next to restroom buildings provide view connections to the water from Seaview Avenue NW, and around public spaces along the pedestrian walkways, the esplanade and around other buildings. It would also be organized to reinforce a focus on the Central Plaza and the North End area.

There would be no in-water work and only short-term and limited use of noisy equipment required to implement the proposal (as described in SEPA Checklist Section A.11). For this reason, no adverse impacts to wildlife are anticipated. However, during construction, standard Best Management Practices (BMPs) would be employed to protect water quality and to avoid impacts to aquatic habitats. Measures would be taken to make sure no demolition or construction materials or debris enters the water. BMPs include the following:

- Promptly remove any construction debris floating in the water.
- Dispose of construction debris on land in such a manner that debris cannot enter the water or cause water quality degradation.
- Contain and remove releases of oils, fluids, fuels, or other petroleum products, paints, solvents, and other deleterious materials in such a manner to prevent their discharge to water.

No other mitigation for impacts to the aquatic and wildlife environment is expected to be necessary.

#### *Aesthetic (Public) Views<sup>2</sup>*

City of Seattle SEPA Ordinance The City of Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) protects public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specific viewpoints, parks, scenic routes, and view corridors listed in the Ordinance. The places listed in the Ordinance were reviewed to determine view impacts of the proposal. The only two designated locations applicable to the proposal are Seaview Avenue NW (a designated scenic route) and Golden Gardens Park. A view analysis was conducted for Seaview Avenue NW (see Table 2 below). However, the Golden Gardens Park viewpoint was not included for further view analysis because there currently is no view of the shoreline, Puget Sound, the Olympic Mountains, or other scenic views looking south or southeast toward Shilshole Bay Marina and none of the improvements would alter water or mountain views from Golden Gardens Park.

From the parking lot or Seaview Avenue NW, views in the immediate vicinity would be altered by the removal of existing trees, demolition of buildings and construction of new buildings resulting from the proposal. In addition, there would be a shift in the location of the new piers resulting from the Shilshole Bay Marina Dock Replacement/Moorage Expansion Project, which would result in an alteration of some views. It is appropriate to consider the alterations of views from both the proposed project, which is the subject of this checklist, as well as the Dock Replacement/Moorage Expansion Project in order to disclose potential cumulative impacts. Existing Views Existing views over the proposed project site are generally from Seaview Avenue NW and include views of the water within the breakwater, Puget Sound and the Olympic Mountains.

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<sup>2</sup> See Table 2. View Corridor Analysis.

The proposed project site is a developed marina area characterized by a parking lot, boat repair and storage areas and boat moorage. Most of the landside area (about 95 percent) is paved with asphalt or concrete or covered by buildings.

Seattle Shoreline Master Program. The Washington State Shoreline Management Act of 1971 (SMA) includes a provision that, except in certain circumstances, no permit shall be issued for new or expanded buildings or structures more than 35 ft in height that would obstruct the view of a substantial number of residences on areas adjoining the shorelines. No buildings are proposed to exceed 35 ft in height. Also, the goals and policies of the SMA are implemented through the City of Seattle adopted Shoreline Master Program. View corridors are required by the City's Master Program in most instances, including for the Shilshole Bay Marina site.

View Analysis. The view analysis describes the existing views from Seaview Avenue NW of Puget Sound and the Olympic Mountains, and the change in views caused by the proposed project. The existing view conditions from Seaview Avenue NW assume that the Dock Replacement/Moorage Expansion Project is in place. The changes are described below. Whether the change is perceived as a negative or positive impact depends on the viewer's opinion. View blockage of the water's edge, water, Puget Sound, and the Olympic Mountains are generally considered a negative impact by the public.

While the analysis describes the average person's field of vision, quantities would also vary depending on the individual viewer's field of vision. Views were analyzed from fourteen locations at the proposal site.

**Table 2. View Corridor Analysis**

	<b>Change in View Width due to Proposal</b>
<b>View 1</b>	<b>No Change</b>
View 2	-55
<b>View 3</b>	<b>+100</b>
<b>View 4</b>	<b>+3</b>
View 5	-55
<b>View 6</b>	<b>No Change</b>
<b>View 7</b>	<b>+97</b>
View 8	-40
View 9	-95
<b>View 10</b>	<b>+100</b>
View 11	-55
<b>View 12</b>	<b>+65</b>
<b>View 13</b>	<b>+100</b>
<b>View 14</b>	<b>No Change</b>
<b>Total View Change</b>	<b>+165</b>

## **Conclusion**

Thus, based on the above view analysis and information provided by the applicant the proposal satisfies the development standards and the intent of SMC 23.60 and 25.05, respectively, no mitigating conditions are warranted under Seattle SEPA Ordinance.

## **CONDITIONS – SHORELINE**

### *Prior to Issuance of the Building Permit*

1. Submit a completed drainage control plan that complies with SMC 22.802.020 B2d and Director's Rule 2000-16, (Category 2) BMPs for Construction Erosion and Sedimentation Control Plans. Adherence to the measures outlined in the attachment shall mitigate erosion and sedimentation impacts to Puget Sound.

### *During Construction*

2. The owner(s) and/or responsible party(ies) shall take care to prevent debris from entering the water during construction and to remove debris promptly if it does enter the water. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction. Appropriate equipment and material for hazardous material cleanup must be kept at the site.
3. All disposed materials must be deposited in a landfill, which meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.
4. Catchbasins should be protected during demolition, construction and repaving to prevent any deleterious material from entering the water.

## **CONDITIONS – SEPA**

### *During Construction*

5. The Port of Seattle shall actively communicate with tenants and marina customers that parking supply during construction periods will be congested. Customers and employees should be encouraged to minimize the number of vehicles parked at the marina during these periods.

Signature: (signature on file) Date: June 14, 2004  
Colin R. Vasquez, Land Use Planner  
Department of Planning and Development